

## REMARKS

The Office Action dated June 23, 2008 has been received and carefully noted. The above amendments to the specification and claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 17-22 and 31-35 are pending in the application. Claims 17, 21-22, and 34 have been amended to more particularly point out and distinctly claim the subject matter of the invention. No new matter is added. Applicant submits the pending claims for consideration in view of the following.

### Specification Objections

The Office Action objected to certain informalities found on pages 7, 8, and 11 of the Specification. As indicated above, the Specification has been amended in a manner that remedies the objections corresponding thereto. Withdrawal of these objections is therefore respectfully requested.

### §112 Rejections

Claims 17, 19, 21, 32, and 34 were rejected under 35 U.S.C. §112, second paragraph, for failing to provide an antecedent basis for certain features. As indicated above, claims 17, 21, and 34 have been amended in such a manner that remedies these rejections. Withdrawal of these rejections is therefore respectfully requested.

### **§102(e) Rejection**

Claims 17-19, 21-22, 31-32, and 34-35 were rejected under 35 U.S.C. §102(e) as being anticipated by Rhodes et al. (US 2003/0186709 A1, hereinafter “Rhodes”). Applicant respectfully asserts that Rhodes fails to disclose or suggest all the features of the rejected claims.

Claim 17, upon which claims 18-20 depend, is generally directed to a method that includes establishing an emergency call between a user’s equipment within a radio coverage area and one of at least two points able to answer the call. Establishing the emergency call may include receiving an emergency call request, determining a first estimate of a position of the user’s equipment within the radio coverage area, and interrupting a call establishment of the emergency call. Establishing the emergency call may also include using the control point to select, based on the first position estimate, which one of the at least two answering points the call is to be established with, and, when at least one answering point has been selected, resuming the call establishment, determining a second, more accurate, position estimate, and sending the second position estimate to the selected answering point.

Claim 21, upon which claim 31 depends, is generally directed to an apparatus that includes a call establisher that is configured to establish an emergency call between a user’s equipment within a radio coverage area and one of at least two points able to answer the call. The call establisher is configured to receive an emergency call request, determine a first estimate of a position of the user’s equipment within the radio coverage

area, and interrupt a call establishment of the emergency call. The call establisher is further configured to use the control point to select, based on the first position estimate, which one of the at least two answering points the call is to be established with, and, when at least one answering point has been selected, resume the call establishment, determine a second, more accurate, position estimate, and send the second position estimate to the selected answering point.

Claim 22 is generally directed to a system that includes a base controller configured to control a base transceiver that provides the radio coverage area, a switching centre configured to receive an emergency call request, and a location centre configured to determine a first estimate of the position of a user's equipment within a coverage area. The system also includes a control point configured to select which of the at least two answering points the call is established with based on the first position estimate. The call establishment is interrupted, and, when the at least one answering point has been selected, the switching centre is configured to resume the call establishment, and a second, more accurate, position estimate is determined and sent to the selected answering point.

Claim 32 is generally directed to an apparatus that includes an establishing means for establishing an emergency call between a user's equipment within a radio coverage area and one of at least two points able to answer the call. The establishing means includes a means for receiving an emergency call request, a means for determining a first estimate of a position of the user's equipment within the radio coverage area, a means for interrupting a call establishment of the emergency call. The establishment means also

includes a means for using the control point to select, based on the first position estimate, which one of the at least two answering points the call is to be established with, and when at least one answering point has been selected, means for resuming the call establishment, means for determining a second, more accurate, position estimate, and means for sending the second position estimate to the selected answering point.

Claim 33 is generally directed to a computer program embodied on a computer-readable medium. The computer program is configured to control a processor to perform operations that include establishing an emergency call between a user's equipment within a radio coverage area and one of at least two points able to answer the call. Establishing the emergency call may include receiving an emergency call request, determining a first estimate of a position of the user's equipment within the radio coverage area, interrupting a call establishment of the emergency call, and using the control point to select, based on the first position estimate, which one of the at least two answering points the call is to be established with. Establishing the emergency call may also include, when at least one answering point has been selected, resuming the call establishment, determining a second, more accurate, position estimate, and sending the second position estimate to the selected answering point.

Each of the foregoing references recites limitations that are not disclosed or suggested by Rhodes.

Rhodes generally discloses a public safety access point selection system directed to E911 wireless callers in a GSM type system. In Rhodes, ESRD or ESRV information

for a wireless E911 caller includes requesting accurate location information relating to the caller. The selection of a public safety access point is delayed for a period of time until the requested location information is received. If the location information is not received, then a location relating to a serving base station is returned as a default condition in the place of the requested accurate location information.

However, Rhodes fails to disclose or suggest, at least, “determining a first estimate of a position of said user’s equipment within said radio coverage area using a control point to select, based on said first position estimate, which one of said at least two answering points the call is to be established with,” as recited in claim 17, and as similarly recited in claims 21-22 and 34-35.

On page 6, the Office Action alleges that Rhodes teaches the claimed determining of a first estimate of a position of a user’s equipment within a radio coverage area by disclosing a method to route an emergency call to the appropriate PSAP based on the identity of the cell site sector serving the user’s equipment. That is, according to the Office Action, the first position estimate is the identity of the cell site sector. Conversely, on page 7, the Office Action alleges that the claimed using of the control point to select, based on said first position estimate, which one of the at least two answering points the call is to be established with, is disclosed by Rhodes in paragraphs [0049]-[0053], which allegedly discloses the claimed “first position estimate” as latitude/longitude location information. For example, paragraph [0050] of Rhodes discloses that, “In sub-step B, the MPC/GMLC associates incoming latitude/longitude location or presence information for

the caller's mobile station to the correct emergency services zone and PSAP as provisioned in the CRDB." Accordingly, the Office Action contradicts itself with respect to the "first position estimate" when attempt to provide disclosure for the claimed "determining" and "using."

Additionally, the cell site sector cannot be used in choosing the PSAP according to the claimed invention because there might be two PSAPs within the cell coverage area. Thus, the cell site sector information cannot correspond to "the first position estimate based on which the answering point is selected," as recited in claim 1. Further, the cell site is often known when a call is received (this information is carried within the call) and thus it does not involve any positioning activity.

Accordingly, if the cell site sector corresponds to "the first position estimate," then Rhodes at least fails to teach using the control point to select, based on said first position estimate, which one of said at least two answering points the call is to be established with. However, if latitude/longitude location corresponds to "the first position estimate," then Rhodes at least fails to teach determining a second, more accurate, position estimate, and sending the second position estimate to the selected answering point (SubLocRep message includes latitude/longitude location). Consequently, Rhodes fails to disclose or suggest, the claimed "determining," "using," and "the first position estimate" as recited by the pending claims.

In light of the above, Rhodes fails to disclose or suggest all the limitations of claims 17, 21-22, and 34-35. Therefore, Applicant respectfully requests that the rejection

of claims 17, 21-22, and 34-35 be withdrawn. Similarly, Applicant respectfully requests that the rejection of claims 18-19 and 31-32 be withdrawn for their dependency from claims 17 and 21 and for the patentable subject matter recited therein.

### **§103(a) Rejections**

Claims 20 and 33 were under 35 U.S.C. §103(a) as being unpatentable over Rhodes in view of Maanoja et al. (US 2004/0259566 A1). The Office Action took the position that Rhodes fails to disclose all the limitations of the rejected claims, but that Maanoja accounts for the deficiencies of Rhodes in a manner that renders the rejected claims obvious. Applicant respectfully asserts that a combination of Rhodes and Maanoja fails to disclose or suggest all the limitations of the rejected claims.

Rhodes is discussed above. Maanoja discloses method for calculating the location of a mobile user terminal in a wireless communication system. The Maanoja method includes identifying a default sequence in which a plurality of location calculating methods should be executed, forming a new sequence by reordering a default sequence responsive to at least one system parameter, and executing at least one of the calculating methods in accordance with the new sequence to thereby calculate the location.

However, a combination of Rhodes and Maanoja fails to disclose or suggest, at least, “determining a first estimate of a position of said user’s equipment within said radio coverage area using a control point to select, based on said first position estimate,

which one of said at least two answering points the call is to be established with," as recited in claim 17, and as similarly recited in claim 21.

Therefore, Applicant respectfully asserts that a combination of Rhodes and Maanoja fails to disclose or suggest all the limitations of claims 20 and 33 for their dependency from claims 17 and 21, and for the patentable subject matter recited therein.

### **Conclusion**

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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